

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARRETT LEE HAMILTON,

Defendant.

CR 22-10-M-DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto's Findings & Recommendation Concerning Plea. (Doc. 31.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnel Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Hamilton is charged by Superseding Information with one count of prohibited person in possession of a firearm (felon), in violation of 18 U.S.C. § 922(g)(1) (Count I), one count of prohibited person in possession of a firearm (drug user), in violation of 18 U.S.C. § 922(g)(3) (Count II), one count of wire

fraud, in violation of 18 U.S.C. § 1343 (Count III), and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1) (Count IV). (Doc. 26.)

Judge DeSoto recommends that this Court accept Hamilton's guilty plea as to all charges in Superseding Information. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts it in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. The Court will adjudicate the issue of forfeiture by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 31) is ADOPTED in full.

IT IS FURTHER ORDERED that Hamilton's motion to change plea (Doc. 18) is GRANTED.

IT IS FURTHER ORDERED that Hamilton is adjudged guilty as charged in the Superseding Information.

DATED this 13th day of June, 2022.



Dana L. Christensen, District Judge
United States District Court